



**REGULAR CITY COUNCIL MEETING
FRISCO CITY HALL
GEORGE A. PUREFOY MUNICIPAL CENTER
COUNCIL CHAMBERS
6101 FRISCO SQUARE BLVD.
FRISCO, TEXAS 75034**

5:30 PM

TUESDAY, NOVEMBER 03, 2009

MINUTES

| | | |
|----------------------|---------------|----------------------------|
| Mayor | Maher Maso | Present |
| Mayor Pro Tem | Jeff Cheney | Present |
| Deputy Mayor Pro Tem | Bob Allen | Present |
| Council Member | Pat Fallon | Present (arrived 5:31p.m.) |
| Council Member | Scott Johnson | Present |
| Council Member | David Prince | Present |
| Council Member | Bart Crowder | Present |

CALL TO ORDER

Mayor Maso called the meeting to order at 5:30 p.m. and announced that the entire Council was present except for Pat Fallon, who would be joining them shortly, and that a quorum was present.

1. ROLL CALL

Representing staff were: City Manager, George Purefoy; Deputy City Manager, Henry Hill; Assistant City Manager, Nell Lange; Assistant City Manager, Ron Patterson; Development Services Dev Coordinator, Scott Ingalls; Director of Engineering Services, Paul Knippel; Director of Public Works, Gary Hartwell; Director of Library Services, Shelley Holley; Parks & Recreation Planning & Business Dev. Manager, Dudley Raymond; Parks & Recreation operations Mgr, Steve Walsh; Assistants to the City Manager, Ben Brezina, John Eaglen, and

Daniel Ford; City Attorney, Richard Abernathy; and City Secretary, Jenny Page.

CLOSED SESSION

Bob Allen moved to recess into Closed Session at 5:33 p.m. Bart Crowder seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit:
 - A. Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:
 - i. Receive legal advice regarding and possible settlement of Case No. 09-0069; City of The Colony, Texas vs. North Texas Municipal Water District and City of Frisco, Texas; In the Texas Supreme Court.
 - ii. Receive legal advice regarding Exide's request for a renewal permit from the TCEQ.
 - B. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - i. South of US 380, North of The Colony city limits, East of FM 423, and West of Hillcrest Road.
 - C. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Bob Allen moved to reconvene into Regular Session at 6:40 p.m. Pat Fallon seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Mayor Maso announced there was no action to take in regard to items discussed in Closed Session

INVOCATION

Pastor Dono Pelham, from Life Changing Faith Christian Fellowship, led the Invocation.

PLEDGE OF ALLEGIANCE

Chase Buonanno & Stephen Davis members of Boy Scout Troop 216 led the audience in the United States Pledge of Allegiance and the Texas Pledge of Allegiance.

PROCLAMATIONS

4. United States Civil Air Patrol Frisco Cadet Squadron Open House

Mayor Maso presented a Proclamation to the Untitled States Civil Air Patrol Frisco Cadet Squadron and proclaimed November 8, 2009 as United States Civil Air Patrol Frisco Cadet Squadron Day in recognition of their upcoming Open House. Accepting were Phyllis Sutton, Major Captain TX 389 Squadron Commander and Cadets.

REPORTS

5. Texas Municipal League Municipal Excellence Award -- Smart Irrigation Program

Mayor Maso presented the Texas Municipal League Municipal Excellence Award for Smart Irrigation for cities with population over 25,000. The Council had received the award at the recent TML Annual Conference and recognized Public Works Director, Gary Hartwell, for his department's achievements. Mr. Hartwell introduced Mike Barth, Irrigation Specialist, and Melody Emadiazar, Water Education Coordinator, as being recognized last May by TCEQ for the program and now by TML.

6. 2008 Summit Award -- George A. Purefoy Municipal Center

Robert Barnes, CEO with Dee Brown Inc. presented to Council the 2008 TEXO Summit Award for the George A. Purefoy Municipal Center for exceptional construction and design. The Summit Award is a competition which honors all partners on the construction team and entries are judge by an impartial but knowledgeable group of people familiar with the construction industry.

7. Library Report on usage and programming activities

Library Services Director, Shelley Holley presented the Library Report on monthly usage and programming activities.

8. Parks and Recreation Monthly Report

Parks & Recreation Director, Dudley Raymond presented a report on Park & Trail Development, Facilities, Special Events, and Youth Development. Steve Walsh gave an update on the Frisco Recreation Center.

9. Engineering Services Monthly Report on Roads, Traffic, Water and Sewer Projects

Engineering Services Director, Paul Knippel presented Engineering Services Monthly Report on Roads, Traffic, Water and Sewer Projects.

City Manager George Purefoy introduced Ben Brezina, John Eaglen, and Daniel Ford as the new Assistants to the City Manager.

CONSENT AGENDA

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion. A majority of the Council is required to remove any item for discussion and separate action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

David Prince moved to pull Item 25 from the Consent Agenda. Jeff Cheney seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Scott Johnson moved to approve Consent Agenda Items 10-24. Bob Allen seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

David Prince asked if Strasburger and Price, a local firm, was considered in the recommendation to appoint HILLCo. Ron Patterson and George Purefoy indicated that HILLCo has such a proven track record that other firms were not contacted but the City could certainly do so. Mr. Prince asked them to please

contact Strasburger and Price and bring information for consideration at the next meeting.

Pat Fallon made a motion to Table the Item 25 until the next Council Meeting. David Prince seconded the motion.

Passed

Vote: 4 - 2

For: Scott Johnson, Jeff Cheney, Pat Fallon, David Prince;

Against: Bart Crowder, Bob Allen

Mayor Maso skipped to the Legislative Agenda.

10. Consider and act upon approval of the Minutes from the October 12, 2009 Charter Review Commission and City Council Joint Work Session and the October 20, 2009 Regular City Council Meeting. (CSO/JP)
11. Consider and act on a resolution designating the Official Newspaper (CSO/JP) 09-11-200R
12. Consider and act upon a Resolution of the City Council of the City of Frisco, Texas authorizing the City Manager of the City of Frisco, Texas to execute an Encroachment Agreement by and between the City of Frisco and Oncor Electric Delivery Company for an encroachment of Stonebrook Parkway within an existing Oncor Electric Delivery Company easement. (Engineering/JM) 09-11-201R
13. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Reclaimed Water Use Agreement by and between the City of Frisco and Pearson Farms Community Association, Inc. (Engineering/AH) 09-11-202R
14. Consider and act upon award of bid to W. R. Hodgson Co., LP and act upon a Resolution authorizing the City Manager to execute a Standard Form of Agreement for Construction Services for the 4th Army Memorial Dr. Force Main (Stewart Creek West WWTP to Morgan Hill Rd.), Bid No. 0908 069 (Engineering/AH) 09-11-203R
15. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Professional Services Agreement by and between the City of Frisco and Kimley-Horn Associates, Inc. to perform Engineering Design, Bid Package Preparation and Construction Administration Services for the Eldorado Parkway Streetscape Improvements (FM 423 to Dallas Parkway). (Engineering/AH) 09-11-204R
16. Consider and act upon approval of a resolution authorizing the City Manager or his designee to execute an interlocal agreement with Collin County for Library funding. (Library/SH) 09-11-205R

17. Consider and act upon award of bid to Durable Specialties, Inc., and adoption of a Resolution authorizing the City Manager to execute a Standard Form of Agreement for Construction Services for a Temporary Traffic Signal on FM 423 at Stonebrook Parkway (Bid No. 0908-060) (Engineering/BM). 09-11-206R
18. Consider and act on a resolution approving a Memorandum of Understanding (MOU) between the City of Frisco and North Texas Municipal Water District (NTMWD) regarding the charge for solid waste items delivered directly to the Melissa landfill and authorizing City Manager to sign the MOU. (PW/PC) 09-11-207R
19. Consider and Act on approval of a grant application to the State Energy Conservation Office for the Transportation Energy Efficiency Traffic Signal Synchronization or Replacement Stimulus Grant Program of the Texas Comptroller of Public Accounts and authorize the City Manager to sign the grant application (Engineering/BM) 09-11-208R
20. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Local Project Advance Funding Agreement by and between the City of Frisco and the Texas Department of Transportation for the construction of FM 2934 (Eldorado Parkway) from FM 423 to Dallas North Tollway. (Engineering/JB) 09-11-209R
21. Consider and act upon approval of a purchase order to Integrated Computer Systems, Inc. (ICS), for a software interface package to link the Brazos Handheld Citation Application with the Police ICS Computer Aided Dispatch (CAD) system. (Municipal Court/TJ)
22. Consider and act upon approval of a purchase order to DataProse for utility bill printing, handling and mailing, and adoption of a resolution authorizing the City Manager to execute an agreement for these services. (Financial Services/TJ)
23. Consider and act upon approval of a purchase order to Texas Moving Co. Inc. dba Texas Archives, for storage, tracking and destruction of City documents according to the legally required record retention schedules. (Records Management/TJ)
24. Consider and act upon the approval of Resolutions in support of two grant applications to the Texas Transportation Enhancement Program which is federally funded through the Surface Transportation Program, administered by the Texas Department of Transportation (TxDOT) for the Federal Highway Administration (FHWA) of the U.S. Department of Transportation (USDOT) (CMO/SB) 09-11-210R

25. Consider and act upon approval of a contract for public affairs consulting services with HILLCo Partners and authorize the City Manager to execute.

CITIZEN INPUT (to begin approximately at 7:30 p.m.)

Bob Allen spoke on behalf of Allison Miller, Director of Frisco Family Services, who could not be present for the meeting, and presented a trophy to the entire Council for third place in the Civic Organization Group of the Gary Burns Fun Run that took place over the weekend. Mr. Allen reported that the event was a great success with approximately 6000 people in attendance.

Mayor Maso skipped to Item 29.

LEGISLATIVE AGENDA

(These items may legally require Council Action, but by Council Policy should be the City Manager's responsibility. The Legislative Agenda can be acted upon in one motion. The concurrence of two council members is required to remove any item for separate discussion and action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

26. Consider and act upon adoption of an Ordinance granting a Specific Use Permit for a Child Day Care (SUP09-0008) on one lot on 1.5± acres within a 7,153 square foot building on the east side of Pasadena Drive, 400± feet south of Preston Trace Boulevard. Zoned Commercial-1. Neighborhood #11. (Development Services/RC) 09-11-63

Jeff Cheney moved to approve an Ordinance granting a Specific Use Permit for a Child Day Care (SUP09-0008) on one lot on 1.5± acres within a 7,153 square foot building on the east side of Pasadena Drive, 400± feet south of Preston Trace Boulevard. Zoned Commercial-1. Neighborhood #11. David Prince seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

REGULAR AGENDA

27. Consider and act upon the Mayor's appointment of one (1) Board Member to the Housing Authority Board representing the following sector: three (3) Board Members "At Large". (CSO/JP)

Mayor Maso appointed Charles Yarbough.

28. Discussion and give staff direction regarding the placing of preliminary or draft minutes for Boards on website. (MM)

City Secretary Jenny Page presented information in regard to posting minutes for all Boards and Commissions. Ms. Page recommended posting minutes for City Council, Planning & Zoning, and Parks and Recreation within a 72 hour timeframe and other boards who depend on volunteers to record minutes, within 7 days. Council directed Ms. Page to move forward with coordinating with the boards to make a best effort to conform to the recommended guidelines.

Mayor Maso moved back to Citizen Input at 7:42 p.m.

29. Consider and act upon award of best value bid to McCarthy Building Companies, Inc., and adoption of a Resolution authorizing the City Manager to execute all Standard Forms of Agreement for Construction Services in the amount of \$6,438,105.00 for the Municipal Center Parking Garage (Bid No. 0909 067). (CMO/TJ)

Ron Patterson presented information and recommended awarding the bid for the proposed parking garage to McCarthy and asked for authorization to present a Notice to Proceed.

Scott Johnson moved to approve the award of best value bid to McCarthy Building Companies, Inc., and adoption of a Resolution authorizing the City Manager to execute all Standard Forms of Agreement for Construction Services in the amount of \$6,438,105.00 for the Municipal Center Parking Garage (Bid No. 0909 067). David Prince seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

30. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to Development Services, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning and Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to Development Services. (Development Services)

No one spoke.

31. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

- Table Item 25 until the next meeting.

32. Discussion on Governance Monitoring of present City Council Meeting.

Mayor Maso gave the Council an A+.

ADJOURN

Jeff Cheney moved to approve Adjourn at 7:48 p.m. Scott Johnson seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

(Please note these are preliminary meeting minutes and are not official until approved by the City Council at the next scheduled meeting.)

Maher Maso, Mayor

ATTEST:

Jenny Page, City Secretary